

**Baker & Hostetler LLP**  
45 Rockefeller Plaza  
New York, NY 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
David J. Sheehan  
Marc E. Hirschfield  
Tracy Cole

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,  
v.  
BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,  
Defendant.

In re:

BERNARD L. MADOFF,  
Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,  
v.  
MAGNIFY INC., et al.,  
Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION  
(Substantively Consolidated)

Adv. Pro. No. 10-05279 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL  
OF DEFENDANTS ROBERT H. BOOK AND R.H. BOOK LLC  
WITH PREJUDICE FROM ADVERSARY PROCEEDING**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendants Robert H. Book and R.H. Book LLC, by and through their counsel, Kobre & Kim LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 6, 2010, the Trustee filed and served the Complaint in the above-captioned adversary proceeding against defendants Robert H. Book, Robert H. Book LLC, and others.
2. On September 21, 2011, the Trustee filed an Amended Complaint in the above-captioned adversary proceeding.
3. On April 16, 2012, Defendants Robert H. Book and R.H. Book LLC filed an Answer, Affirmative Defenses, and Cross-Claims in the above-captioned adversary proceeding.
4. On May 28, 2014, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181].
5. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii) and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate that the Trustee dismisses with prejudice this action solely as to Defendants Robert H. Book and R.H. Book LLC, without costs or attorneys’ fees to any of the Parties.
6. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and

parties of interest.

7. Upon the dismissal of Defendants Robert H. Book and R.H. Book LLC, the caption of the above-referenced adversary proceeding is hereby amended to delete Defendants Robert H. Book and R.H. Book LLC from the caption. The amended caption of the above-captioned adversary proceeding shall appear as indicated in Exhibit A to this Stipulation and Order.

8. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: June 6, 2014

**BAKER & HOSTETLER LLP**

By: /s/ Marc E. Hirschfield  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: 212.589.4200  
Facsimile: 212.589.4201  
David J. Sheehan  
Email: dsheehan@bakerlaw.com  
Marc E. Hirschfield  
Email: mhirschfield@bakerlaw.com  
Tracy Cole  
Email: tcole@bakerlaw.com  
Ona T. Wang  
Email: owang@bakerlaw.com  
M. Elizabeth Howe  
Email: bhowe@bakerlaw.com  
David M. McMillan  
Email: dmcmillan@bakerlaw.com

*Attorneys for Plaintiff Irving H. Picard, Trustee for  
the Liquidation of Bernard L. Madoff Investment  
Securities LLC and Bernard L. Madoff*

/s/ David McGill  
Kobre & Kim LLP  
800 Third Avenue  
New York, NY 10022  
Telephone: 212.488.1200  
Facsimile: 212.488.1220  
Steven Kobre  
Email: steven.kobre@kobrekim.com  
Danielle Rose  
Email: danielle.rose@kobrekim.com  
David McGill  
Email: david.mcgill@kobrekim.com

*Attorneys for Robert H. Book and R.H. Book LLC*

SO ORDERED

/s/ STUART M. BERNSTEIN  
HON. STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE

Dated: June 6<sup>th</sup>, 2014  
New York, New York